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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/411,756 | 10/04/1999 | RAYMOND J. KRASINSKI | PHA-23.789 | 8769 |

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EXAMINER

QUELER, ADAM M

ART UNIT PAPER NUMBER

2178

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,756

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

Adam M Queler

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE and Amendment filed 4/22/2004.
2. Claims 1-28 are pending in the case. Claims 1, 6, 11, 16, 20, and 23-27 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1, 3, and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by “XML Fragment Interchange, W3C Working Draft, 1999 June 30,” herein referred to as W3C.**

Regarding independent claim 1, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion within a package (p.23-24, example spanning the pages) W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13. W3C teaches that the content node and structure node exist independently of each other (p. 29, #4).

Regarding dependent claim 3, W3C discloses a list of content nodes (p. 19, 5.4.3).

Regarding independent claim 23, the memory and processor for performing the method of claim 1 are rejected under the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2, 4, 6-9, 11-14, 16-22, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C.**

Regarding independent claim 6, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion within a package (p.23-24, example spanning the pages). W3C also discloses indicating where content nodes are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the "fcs" element on pages 12-13. W3C teaches that the content node and structure node exist independently of each other (p. 29, #4). W3C does not explicitly mention decomposing the document into a plurality of trees however it would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees, so

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that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

Regarding independent claim 11, W3C discloses transmitting sub-trees (p.4, para. 1). W3C also discloses indicating where sub-trees are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). W3C teaches that the content node and structure node exist independently of each other (p. 29, #4). W3C does not explicitly mention decomposing the document into a plurality of trees. It would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees and send them independently, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

Regarding dependent claims 2, 7, and 12, W3C is silent as to having templates. W3C does disclose fragmenting the whole document based on semantic separations, such as chapters (p. 25). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a template for the purpose of specifying how the structure and content nodes should be generated for the purpose of having semantically relevant fragments.

Regarding dependent claim 13, W3C discloses a list of content nodes (p. 19, 5.4.3).

Regarding dependent claim 8, W3C discloses a structure node with positioning information (p. 11-12).

Regarding dependent claims 4, 9, and 14, Content generated in real-time was by a textual input device was well-known in the art at the time of the invention, as applicant admits in Remarks

filed on 3/25/2003 (p. 6), and would have been obvious to one of ordinary skill in the art for the purpose of typing up an XML document.

Regarding independent claim 16, W3C discloses an XML document including independent content nodes and structure nodes as recited in claim 1 above. W3C also discloses means for determining whether a node is a content or context node (pp. 10-11, section 5.1). W3C discloses recompiling the XML document (p. 5, para. 2) and information that can be used for the recompiling (p. 10-11). W3C is silent as to processing content nodes directly, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to process content nodes directly because they are ordinary element nodes and should be treated as such.

Regarding dependent claim 19, it would have been obvious to one of ordinary skill in the art at the time of the invention to continue processing since each sub-tree is a valid XML tree.

Regarding independent claim 20, W3C discloses an XML document including independent content nodes and structure nodes as recited in claim 1 above. W3C discloses receiving a plurality of sub-trees for reassembly (p.5, para.2). W3C also discloses the sub-trees containing positioning information (p. 13). W3C does not explicitly mention positioning the sub-trees, however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so as that the purpose of fragmenting the document was so that it could be reassembled (p. 5, para. 2).

Regarding dependent claims 17 and 21, W3C discloses displaying content (p.5, para. 2).

Regarding dependent claims 18 and 22, it was well-known in the art at the time of the invention to store data after receiving it.

Regarding independent claims 24-27, the memories and processors for performing the methods of claims 6, 11, 16, and 20, respectively, are rejected under the same rationale.

Regarding dependent claim 28, W3C discloses that the structure and content nodes are transmitted. W3C does not explicitly disclose transmitting them separately. It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit them separately as they were designed to be independent of each other (W3C, p. 29, #4), and further more as they both are merely text, they are more than capable of independent transmission.

7. **Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C as applied to claims 1, 6, and 11 above, and further in view of Dietz (USPN 6175820—filed 1/28/1999).**

Regarding dependent claims 5, 10, and 15, W3C is silent as to generating XML with a speech recognition system. Dietz teaches generating XML with a speech recognition system (col. 2, line 65 – col. 3, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dietz into W3C for the purpose of transmitting a textual representation of human voice.

Response to Arguments

8. Applicant's arguments filed 4/28/04 have been fully considered but they are not persuasive.

Applicant alleges that W3C does not teach the newly added limitation of the structure and content nodes being independent of each other. However, W3C does teach that the content node and structure node exist independently of each other (p. 29, #4).

Conclusion

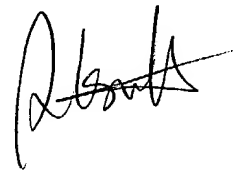
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ



STEPHEN S. HONG
PRIMARY EXAMINER